

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

JENNIFER CRYSTAL MCDANIEL
and NELSON WAYNE MCDANIEL,

Plaintiffs,

v.

CITY OF CHATTANOOGA and
FORTWOOD NEIGHBORHOOD
ASSOCIATION, INC.,

Defendants.

No. 1:24-cv-203-MJD

ORDER AND NOTICE OF STATUS CONFERENCE

In this civil rights action, Plaintiffs challenge a city ordinance/zoning guideline prohibiting six-foot-tall privacy fences in the area where Plaintiffs reside. Plaintiffs erected such a fence on property they lease, but they were instructed to remove it by the Chattanooga Historic Zoning Commission. Plaintiffs contend they need the fence because they own a large, registered support dog, which also serves as a guard dog and responds to passersby. On February 3, 2025, Plaintiffs filed a notice informing the Court and Defendants that the support dog at issue was unfortunately euthanized “because of sudden illness.” [Doc. 24 at Page ID # 91]. Plaintiffs contend a live controversy still exists because a “replacement animal” was scheduled to arrive the following day, February 4 [*id.*].

In addition, the Court notes the parties have made efforts to resolve this case by agreement, as indicated in their January 31 status report [Doc. 23]. While they were unsuccessful during a January 29 videoconference, they plan to “continue to work toward resolution among themselves

and, if unsuccessful, will attend mediation with an agreed-upon mediator on or before February 21, 2025.” [*Id.*].

In light of the current status of the case, the Court finds it appropriate to set this matter for a status conference. The status conference will take place on **FRIDAY, MARCH 7, 2025, at 4:00 p.m. EASTERN, before United States Magistrate Judge Mike Dumitru, at the United States District Court, 900 Georgia Avenue, 4th Floor Courtroom, Chattanooga, Tennessee.** The parties **SHALL** be prepared to discuss the post-mediation status of the case and to present argument, with citation to supporting authority, as to whether a live controversy still exists and whether the pleadings require amendment in light of the new support dog. In addition, the parties **SHALL** be prepared to address whether the current schedule for this case will remain viable should any such amendments be required. In the event the parties are able to resolve this case, either among themselves or in mediation, they **SHALL** notify the Court and the status conference will be canceled.

SO ORDERED.

ENTER:


s/ _____
MIKE DUMITRU
UNITED STATES MAGISTRATE JUDGE